

# Notice of Allowability

Application No.

10/730,712

Examiner

NEIL LEVY

Applicant(s)

LEON ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 7/6/05.
2. ☒ The allowed claim(s) is/are 70-72, 75-79.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

NEIL S. LEVY

PRIMARY EXAMINER

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows: in accord with amendment of 5/26/05, & 7/6/05, claims 1-69, 73, 74, & 80 are cancelled & Claim 70 stands as amended on 7/6/05; dependent claims 71, 72, 75-79 are all as originally presented, & so indicated in the 5/26/05 amendment. The amendment follows;

CANCEL CLAIMS 1-69,

70.(Currently Amended)

A method of delivering an effective agent to an animal comprising the steps of:  
providing a pliable film comprising at least one binder, at least one lubricant,  
at least one solvent for said binder and said lubricant, and an effective amount of  
at least one effective agent; and placing said film within the oral cavity of said animal by  
adhering said film to the tongue of said animal.

71. (Original) A method of delivery of an effective agent to an animal according to claim 70 wherein said step of providing a pliable film comprises providing a hydrophilic film.

72. (Original) A method of delivering an effective agent to an animal according to claim 70 wherein said step of placing said film within the oral cavity of an animal comprises placing said film on an insert device and placing at least a portion of said insert device within the oral cavity of said animal.

73. (Cancelled)

74. (Cancelled)

75. (Original) A method of delivering an effective agent to an animal according to claim 70 wherein said step of providing a film comprises providing a film comprising a flavorant.

76. (Original)

A method of delivering an effective agent to an animal according to claim 70 wherein said step of providing a film comprises providing a film having a moisture content not greater than about 15% by weight.

77. (Original) A method of delivering an effective agent to an animal according to claim 70 wherein said step of providing a film comprises providing a film having a moisture content of about 3% - 7% by weight.

78. (Original)

A method of delivering an effective agent to an animal according to claim 70 wherein said step of providing a film comprises providing a film having a moisture content of about 4% - 6% by weight.

79. (Original) A method of delivering an effective agent to an animal according to claim 70 wherein said step of providing a film comprises providing a film having a moisture content of about 4.5% - 5.5% by weight.

80. (Cancelled)

IN THE ABSTRACT;

DELETE THE 2<sup>ND</sup> PARAGRAPH, BEGINNING WITH "ALSO through  
ANIMAL"

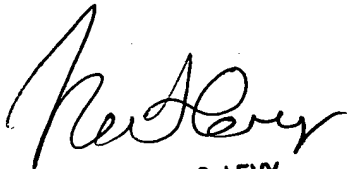
Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THURMAN PAGE can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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NEIL S. LEVY  
PRIMARY EXAMINER